S.B. CIVIL WRIT PETITION NO. 5062/2006.
(KRISHNA KANT CHOUBISA VS. STATE & ANR.)

DATE OF ORDER : 17.11.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. P.C. Solanki for the petitioner/s.
Mr. B.L. Tiwari, Dy.GA, for the respondent/s.
Mr. Shambhoo Singh, for the respondent No.5.

This petition for writ is preferred by the petitioner giving challenge to the order dated 02.08.2006 passed by the Rajasthan Civil Services Appellate Tribunal, Rajasthan – Jaipur whereby the appeal preferred by the petitioner giving challenge to his order of transfer dated 15.07.2006 was rejected. By the order aforesaid, the petitioner was transferred from Dungarpur to Vaternity Hospital, Jaisalmer. The learned Tribunal by the judgment impugned held that the order of transfer is not in violation of any Statute or not an out-come of any malafides and is passed in administrative exigency, as such it does not require any interference.

While giving challenge to the same, it is contended by counsel for the petitioner that the respondent No.5 was transferred from Jaisalmer to Dungarpur at his own request by making an application that he is required to be posted at Dungarpur as his wife is working as Teacher at Dungarpur.

According to the petitioner, the respondent No.5 is not having cordial relation with his wife and a divorce petition is pending between them, therefore, the reason given by the respondent No.5 for getting him transferred from Jaisalmer to Dungarpur is false.

A reply to the writ petition has been filed on behalf of the respondent No.5 stating therein that he has been transferred from Jaisalmer to Dungarpur at his own request i.e. made under the application dated 07.07.2006 available on record as Annexure R/5/3.

From perusal of the application itself, it is apparent that the respondent No.5 gave three reasons to seek transfer from Jaisalmer to Dungarpur. The respondents after considering those reasons, transferred the petitioner from Dungarpur to Jaisalmer. Such type of consideration is not at all illegal and is a part of administrative exigency. It is further pertinent to note that according the averments contained in reply to the writ petition filed on behalf of the respondents, the respondent No.5 and his wife have already resolved the mis-understanding crepted between them.

In view of whatever stated above, I do not find any error in the judgment impugned that may warrant interference by this Court under Article 226 of the Constitution of India. Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR)J.

Anil/